

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IVONNE GUERRERO, et al.,  
Plaintiffs,  
v.  
COUNTY OF SAN BENITO, et al.,  
Defendants.

Case No.: C 08-0307 PVT

**ORDER RE “STIPULATION” FOR  
IN CAMERA REVIEW**

On January 22, 2009, Plaintiffs and Defendants San Benito County and Sheriff Curtis J. Hill filed a purported stipulation (*see* docket no. 70) whereby said Defendants would submit for *in camera* review documents responsive to Plaintiffs’ First Set of Requests for Production of Documents to San Benito County and Plaintiffs’ First Set of Requests for Production of Documents to Curtis J. Hill. The “stipulation” also sought to allow non-party Hollister Police Department to submit unidentified<sup>1</sup> “responsive documents” to court for *in camera* review. Neither counsel for Defendant Michael Rodrigues nor any representative of the Hollister Police Department signed the purported stipulation. On the contrary, Defendant Rodrigues filed an objection in which he:

1) reserved his right to raise privacy and relevancy objections<sup>2</sup> to San Benito County’s release of

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<sup>1</sup> The document does not specify to what the documents sought are supposedly “responsive.” While Defendant Rodrigues’ objection papers reference a subpoena, there is no copy of any such subpoena in the court file.

<sup>2</sup> While it appears Defendant Rodrigues was not objecting to an *in camera* review of San Benito County’s documents “at this time,” his statement that he reserves the right to raise privacy and relevancy objections demonstrates that there remains a dispute among the parties regarding whether the subject documents are discoverable.

1 any such information to Plaintiffs or their attorney; and 2) objected to *any* release of documents by  
 2 non-party Hollister Police Department.

3 Based on the stipulation and objection filed, and the file herein,

4 IT IS HEREBY ORDERED that the joint request of Plaintiffs and Defendants San Benito  
 5 County and Sheriff Curtis J. Hill is DENIED. This court's Civil Local Rule 7-1(a) provides that:

6 **"Types of Motions.** Any written request to the Court for an order must be presented  
 7 by one of the following means:

8 "(1) Duly noticed motion pursuant to Civil L.R. 7-2;

9 "(2) A motion to enlarge or shorten time pursuant to Civil L.R. 6-1;

10 "(3) When authorized, an ex parte motion pursuant to Civil L.R. 7-10;

11 "(4) When applicable, a motion for administrative relief pursuant to  
 Civil L.R. 7-11; or

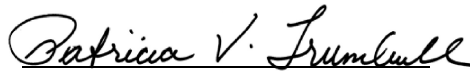
12 "(5) Stipulation of the affected parties pursuant to Civil L.R. 7-12."

13 Civil Local Rule 7-12 provides, in relevant part: "Every stipulation requesting judicial action  
 14 must be in writing signed by all affected parties or their counsel."

15 Here, the parties affected by the purported stipulation include Defendant Rodrigues and non-  
 16 party Hollister Police Department. Because neither of those parties signed off on the stipulation, the  
 17 stipulation does not meet the requirements of Civil Local Rule 7-12, and thus Plaintiffs have not met  
 18 the requirements of Civil Local Rule 7-1(a) regarding the means by which a request for an order  
 19 must be presented to the court.

20 The requirements of Civil Local Rules 7-1(a) and 7-12 are not mere formalities. They ensure  
 21 that any contested matters are properly briefed for the court's consideration. Here there is a dispute  
 22 over whether documents concerning Defendant Rodrigues should be released to Plaintiffs by  
 23 Defendant San Benito County and non-party Hollister Police Department (with or without *in camera*  
 24 review), yet the dispute has not been briefed by the parties. Thus, there is not an adequate record  
 25 from which the court can reach a decision regarding this discovery dispute at this time.

26 Dated: 3/3/09

27   
 28 PATRICIA V. TRUMBULL  
 United States Magistrate Judge